

Remarks

The present Amendment is in response to the Office Communication dated January 15, 2003 in reference to the above-identified application. Filed concurrently herewith is a two (2) month extension of time to April 15, 2003.

At the outset, Applicant notes for the Examiner's attention that the present Amendment is submitted pursuant to the guidelines of the Revised Format of Amendments that the U.S. Patent and Trademark Office is considering to adopt via a revision to 37 C.F.R. § 1.121.

In the Office Communication, claims 1-73 are pending. The Examiner took the position that the pending claims "are generic to a plurality of disclosed patentably distinct species and process of preparing the same." In particular, the Examiner stated "claims 34, 35, 48, 55, 62, 69, and 73 are not claimed as capable of use together" and "have different functions in that one species may be used to prepare a patentably distinct species."

In the Interview courteously extended by the Examiner to Applicant's representatives, Timothy J. Martin and Rebecca A. Gegick on March 10, 2003, the restriction requirement and possible ways of responding to the restriction requirement were discussed. The discussion that took place during this interview was based primarily upon a proposed response, which Applicant's representatives submitted to the Examiner for her consideration prior to the interview for the purpose of discussing the restriction requirement. The proposed response, in effect, divided the claims of the present application into two applications wherein some of the original claims were amended, while other

claims were cancelled. The Examiner rejected this proposed response, but agreed to consider any one of the following groups of claims:

- Group I claims 1-34; 64-68;
- Group II claims 35-47 (the Examiner indicated that claims 44-47 may get restricted out);
- Group III claims 48-54;
- Group IV claims 55-56;
- Group V claim 57; and
- Group VI claims 58-63.

The Examiner indicated that Groups III, IV, and V could be filed together, but cautioned that a further restriction requirement to cancel one or more of these groups may be necessitated.

Upon preparation of the present Amendment, Applicant's representatives believed that the grouping of the claims, as indicated above, was intended to be based off of the original set of claims as filed (claims 1-73), rather than the claims that formed the proposed response. Applicant's representatives believe that the following groups of original claims faithfully correspond to the manner in which the claims submitted in the proposed response were divided.

- Group I claims 1-34; 69-73;
- Group II claims 35-47 (the Examiner indicated that claims 44-47 may get restricted out);
- Group III claims 48-56;
- Group IV claims 57-58;
- Group V claim 59-61; and

Group VI claims 62-68.

It is also believed that Groups III, IV, and V may be filed as one application, but that there exists a potential for one or more groups to be restricted from that application.

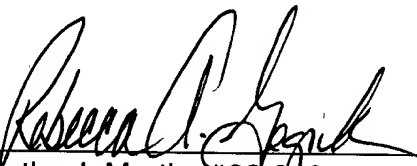
For the purposes of responding to the present Office Communication, Applicant elects to proceed with Group I, claims 1-34; 69-73. Accordingly, as indicated above, claims 35-68 have been cancelled.

The Examiner also requested that various amendments be made to the chemical structures so as to achieve a greater unity among the elected claims. Accordingly, the Examiner will please note that the chemical structures in claims 1, 10-15, 18-21, 23-28, 30-32, 34, and 69 have been modified in the manner discussed during the interview. Applicant has also amended the Detailed Description of the Invention so as to incorporate these amended structures therein. It is believed that such amendments to the specification do not add new matter because these structures are adequately shown in the original disclosure, including the Figures.

Based on the foregoing, Applicant submits that the present application is now in complete condition for allowance, and action to that end is courteously solicited. If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number listed below.


Respectfully submitted,

TIMOTHY J. MARTIN, P.C.

By: 
Timothy J. Martin, #28,640
Michael R. Henson, #39,222
Rebecca A. Gegick, # 51,724
9250 West 5th Avenue, Suite 200
Lakewood, Colorado 80226
(303) 232-3388

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing **AMENDMENT (59 pages)** is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on this 15th day of April, 2003.


Rebecca A. Gegick